

**PLAINFIELD TOWNSHIP
BOARD OF SUPERVISORS MEETING
FEBRUARY 11, 2010**

Page 1

The regular monthly meeting of the Plainfield Township Board of Supervisors was held on Thursday, February 11, 2010 at the Municipal Building, 6292 Sullivan Trail, Nazareth, Pa. 18064

Chairman, Michael Engler called the meeting to order at 7:00pm.

ROLL CALL:

The following Supervisors were present: Chairman, Michael Engler, Vice-Chairman, Joe Lerch, Glenn Borger and William Schmauder. Also present were Solicitor, David Backenstoe, Engineer, Kevin Harwick, Zoning Officer, Charles Knecht, Treasurer, Virginia Koehler and Executive Secretary, Joyce Lambert.

Randy Heard arrived at 7:07pm.

APPROVAL OF MINUTES:

Motion was made by Joe Lerch and seconded by William Schmauder to approve the minutes of the January 13, 2010 Board of Supervisors Meeting, as presented. Motion approved. Vote 4-0.

REFUSE BILLS:

Executive Secretary, Joyce Lambert reminded the Board that the Refuse Bills go out the first week in July. The fees are currently \$200 per year and she indicated that the Board needed to think about whether or not they were going to increase the fees for the new bills.

The Board should make a decision at the March meeting.

TREASURER, VIRGINIA KOEHLER:

APPROVAL OF GENERAL FUND DISBURSEMENTS:

Motion was made by William Schmauder and seconded by Michael Engler to approve the January General Fund Disbursements, in the amount of \$185,446.31, as presented. Motion approved. Vote 4-0.

February 11, 2010

Page 2

JANUARY TREASURER'S REPORT:

Motion was made by Michael Engler and seconded by Joe Lerch to approve the January Treasurer's Report, as presented. Motion approved. Vote 4-0.

TRANSFER FROM CASH MANAGEMENT TO GENERAL FUND:

Motion was made by Glenn Borger and seconded by Joe Lerch to approve the transfer of \$20,000 from Cash Management to General Fund for payroll. Motion approved. Vote 4-0.

TRANSFER FROM THE RETRO FUND FOR PAYMENT OF THE CONTRACTOR FOR THE SOUTH TRAILHEAD PROJECT:

Motion was made by Michael Engler and seconded by Joe Lerch to approve the transfer of \$24,167.90 from the Retro Fund to General Fund for payment of the contractor for the South Trailhead Project. Motion approved. Vote 5-0.

CAPITAL RESERVE PAYMENT FOR ROAD DEPARTMENT INVOICES:

Motion was made by Michael Engler and seconded by Randy Heard to approve payment of the invoice from Staver Hydraulics, in the amount of \$248.30, and the invoice from Erschen's Garage, in the amount of \$1,062.80, for Road Department vehicle repairs from the Capital Reserve Fund. Motion approved. Vote 5-0.

Prior to the vote being taken, Randy Heard indicated that he didn't have a problem with this, but he felt that this should be a part of the Budget so that it shows a true figure of what is being spent.

Glenn Borger asked why this couldn't be transferred from the Capital Reserve to the General Fund so it would show in the Budget.

APPROVAL TO OPEN A SUBDIVISION ESCROW ACCOUNT:

Motion was made by Joe Lerch and seconded by Randy Heard to approve opening an Escrow Account for the Dennis Riley Minor Subdivision. Motion approved. Vote 5-0.

February 11, 2010
Page 3

FARMER'S FAIR AD AND USE OF THE FARMER'S GROVE BY THE FARMER'S ASSOCIATION DURING THE MONTH OF JULY FOR PREPARATION FOR THE FARMER'S FAIR:

Motion was made by Randy Heard and seconded by William Schmauder to approve purchase of a Full Page Ad, in the amount of \$60.00, for the Farmer's Fair and use of the Farmer's Grove for the month of July. Motion approved. Vote 5-0.

2010 PLAINFIELD TOWNSHIP AMBULANCE SUBSCRIPTION:

Motion was made by Mike Engler and seconded by Glenn Borger to approve the 2010 Plainfield Township Ambulance Subscription, in the amount of \$100. Motion approved. Vote 5-0.

APPROVAL FOR REIMBURSEMENT FOR RONDI WAGNER TO ATTEND THE PEITOAC CONFERENCE:

Motion was made by Randy Heard and seconded by Joe Lerch to approve the reimbursement for Rondi Wagner, in the amount of \$453.34, for attendance at the PEITOAC Conference in State College from March 16 to March 19, 2010, as requested. Motion approved. Vote 5-0.

APPROVAL TO DEPOSIT THE GCS EXTRA HOST FUNDS INTO THE GENERAL FUND:

Motion was made by Randy Heard and seconded by Michael Engler to approve deposit of the January GCS extra Host Funds into the General Fund, as requested. Motion approved. Vote 5-0.

Treasurer, Virginia Koehler reported that because we have a problem right now with funds coming in slowly and account balances dwindling, she had contacted JP Mascaro to find out if we could pay February contract in March's instead of monthly as she had been because we just don't have the funds right now. They told her that they understood and that was okay.

ROAD REPORT, POLICE REPORT, PLANNING & ZONING REPORT, FIRE COMPANY REPORT, EMERGENCY MANAGEMENT REPORT AND RECREATION REPORT:

Motion was made by Randy Heard and seconded by Joe Lerch to approve the reports, as listed above. Motion approved. Vote 5-0.

February 11, 2010

Page 4

SUBDIVISION ADMINISTRATOR – JOYCE LAMBERT:

EXTENSION OF TIME TO MEET THE CONDITIONS OF APPROVAL OF THE SLATE BELT/NAZARETH BAPTIST CHURCH – PRELIMINARY/FINAL LAND DEVELOPMENT PLAN UNTIL APRIL 30, 2010:

Motion was made by Randy Heard and seconded by Joe Lerch to grant an Extension of Time to Meet the Conditions of Approval of the Slate Belt/Nazareth Baptist Church – Preliminary/Final Land Development Plan until April 30, 2010. Motion approved. Vote 5-0.

EXTENSION OF TIME TO MEET THE CONDITIONS OF APPROVAL OF THE JACOBSBURG ROAD (KITCHEN MAGIC) – FINAL/MAJOR SUBDIVISION AND LAND DEVELOPMENT PLAN UNTIL MAY 31, 2010:

Joe Correa, on behalf of the JG Petrucci Company, presented the Board with update on this project. Joe indicated that Kitchen Magic is no longer going to be the tenant for this development, but they are actively moving forward towards getting the plans recorded. The building would now be a spec building, which would be built on the same footprint as shown on the plan. They are actively seeking another tenant that would fit into the proposed building and would meet the requirements for the area. Should there be any changes that would need to be made for a different tenant, they know that they would have to come back to the Township for approvals.

Solicitor Backenstoe informed the Board that as long as they do not change the footprint of the building and the impervious coverage this plan can be extended.

Randy Heard indicated that he had questions on who will occupy the building, what kind of noise would be involved and the sewerage.

Attorney, Joe Fitzpatrick indicated that this is a Land Development Plan. They don't know who the user will be at this time, but whoever it is, they must comply with the Zoning criteria. If the traffic exceeds what is allowed or if any other characteristics don't meet the requirements, they know that they must change it and reapply for approvals from the Township.

Randy Heard indicated that the Pellet Plant had told us the same thing regarding no noise, dust, smoke, etc. and we have had a lot of problems with that business. He didn't want an obnoxious use going in there.

Attorney Fitzpatrick told the Board that JG Petrucci brings in good businesses and they couldn't put that type of use next to a Medical Center.

February 11, 2010

Page 5

Paul Levits, who is on the Wind Gap Municipal Authority, informed the Board that this project was closed per the Sewer Authority. They don't know how to set this up for EDU use when they don't know what is going in there.

Attorney Fitzpatrick informed the Board that he didn't feel that a change of user changes their request for an extension of time. He felt that they have a right to an extension and they accept that they have to operate in all the parameters that the Township gave them.

Solicitor Backenstoe said that from a legal point of view, the Board is confusing zoning and land development. The Pellet Plant was a Permitted Use and there was nothing that the Board could do to stop the use. If they comply with your zoning and meet the SALDO requirements there is nothing you can do. There are no legitimate grounds to deny this extension tonight.

Randy Heard asked if they would agree to pay for the Non-Residential Recreation Fees, which have been adopted since this project started.

Kevin Harwick did a quick calculation and indicated that this would be approximately \$12,500.

Joe Correa agreed to this on behalf of the developer.

Motion was made by William Schmauder and seconded by Joe Lerch to grant an Extension of Time to Meet the Conditions of Approval of the Jacobsburg Road – Kitchen Magic – Final/Major Subdivision and Land Development Plan until May 31, 2010. Motion approved. Vote 4-1, with Randy Heard voting no.

EXTENSION OF TIME FOR REVIEW AND APPROVAL OF THE JACOBSBURG MEDICAL OFFICE – FINAL/MAJOR SUBDIVISION AND LAND DEVELOPMENT PLAN UNTIL APRIL 30, 2010:

Motion was made by Michael Engler and seconded by Randy Heard to accept the Extension of Time for review and approval of the Jacobsburg Medical Office – Final/Major Subdivision and Land Development Plan until April 30, 2010. Motion approved. Vote 5-0.

EXTENSION OF TIME TO MEET THE CONDITIONS OF APPROVAL FOR THE SLATE BELT INDUSTRIAL CENTER – PRELIMINARY/FINAL MAJOR SUBDIVISION PLAN UNTIL DECEMBER 31, 2010:

Randy Heard asked Mr. Perin for an updated copy of the plan to show what has changed on this property since it had first been submitted. He indicated that several parcels have been cut off and he does know for sure what is actually in this plan anymore.

Nolan Perin indicated that could bring in an updated map.

Solicitor Backenstoe reported that he had received a call from Mr. Perin's attorney, who informed him that he felt that grant funding from the TIGER Grant should be approved shortly for the installation of the road.

Nolan Perin told the Board that he should be hearing on February 17th about the grant funding. The Slate Belt COG feels that the money is going to be forthcoming for the grant funding for the road.

When asked if Mr. Perin had any interest in the property, he indicated that he had some people who had looked at it, but there is nothing lined up yet.

Motion was made by Joe Lerch and seconded by William Schmauder to grant an Extension of Time to Meet the Conditions of Approval for the Slate Belt Industrial Center – Preliminary/Final Major Subdivision Plan until December 31, 2010. Motion approved. Vote 5-0.

EXTENSION OF TIME TO MEET THE CONDITIONS OF APPROVAL OF THE SULLIVAN TRAIL (NAPER) – FINAL/MAJOR SUBDIVISION PLAN UNTIL DECEMBER 31, 2010:

Solicitor Backenstoe reported that there had been discussion at the Planning Commission on the portion of this plan that is in Bushkill Township. Secretary Lambert had made contact with Bushkill and had information on this.

Secretary Lambert reported that she had paperwork from Bushkill Township and Randy Heard had also talked to someone from Bushkill who told him that as far as they were concerned, this plan was defunct. Mr. Perin has never applied for or received any time extensions for this project and as far as they were concerned it was done and he would have to submit a new plan.

Engineer Harwick informed the Board that most of this project is in Plainfield. There are 2 lots in Bushkill Township.

Mr. Perin indicated that he has a lot of money invested in this plan.

Solicitor Backenstoe indicated that Plainfield could still grant the extension and if he does not get approval from Bushkill Township, the plan could not get recorded.

Motion was made by William Schmauder and seconded by Joe Lerch to grant an Extension of Time to Meet the Conditions of Approval of the Sullivan Trail (NAPER) –

February 11, 2010

Page 7

Final/Major Subdivision Plan until December 31, 2010. Motion approved. Vote 4-1, with Glenn Borger voting no.

SLATE BELT BAPTIST CHURCH UNUSED SECURITY ESCROW RELEASE:

Secretary Lambert reported that the Township had an Escrow Fund for a previous plan submitted for the Slate Belt Baptist Church. This project had never been completed and the improvements that the Township was holding these funds for are now part of the new Land Development that has been approved. They are covered under the Subdivision Improvements Agreement and Letter of Credit, which will now be in place.

Engineer Harwick has approved release of the funds, in the amount of \$11,008.50, upon receipt of the Letter of Credit for the Slate Belt/Nazareth Baptist Church Subdivision Improvements Agreement.

Motion was made by Michael Engler and seconded by Glenn Borger to approve release of the previous Slate Belt Baptist Church Escrow money, in the amount of \$11,008.50, upon receipt of the Letter of Credit for the new Subdivision Improvements Agreement. Motion approved. Vote 5-0.

CITIZEN'S AGENDA/NON-AGENDA:

TERRY KLEINTOP:

Terry Kleintop was present at the meeting and requested that the Board approve sending a letter, which had been prepared by the EAC, to the County Council regarding the County's use of their "Open Space" funds.

Terry informed the Board that since 2007, the County has had a ½ Mill Tax for Open Space. This year, the County took some of this money and used in other areas of their Budget. The letter requests that County Council not do this in 2011.

Terry reported that there are currently 45 landowner applications for Farmland Easement Purchase and the County is only putting \$500,000 into the money to be matched by the state. That would only add up to \$1 million dollars, which does not go very far in purchasing the easements.

Motion was made by Glenn Borger and seconded by Randy Heard to approve signing and sending the letter to County Council. Motion approved. Vote 5-0.

TIM FRANKENFIELD:

Tim Frankenfield informed the Board that Joe Lerch and the Road Department did a great job during the snowstorm on Wednesday.

Randy Heard also complimented Joe on a job well done.

JOHN BRYANT:

John Bryant complimented Joe Lerch on the job that they did during the snowstorm.

SHANE DAVID:

Shane thanked Joe and the Road Department for doing a good job on the Township roads during the storm.

Shane asked when the garbage would be picked up.

Ginny Koehler indicated that JP Mascaro called and cancelled pick for Wednesday because of the storm. At that time, they said that they would pick up on Thursday instead. On Thursday, they called said that because they have problems in certain areas of the Township where there are hills and drifting they were rescheduling the pickup until next Wednesday and would pick up this week's and next week's garbage at the same time. They would also pickup the recycling throughout the Township next Wednesday because they would not get it this week.

We did try to get this on 69 News, but they told us it was too small and they didn't put it on. We also tried calling people that we knew and residents have called into the Township and were told about the change in schedule.

Chairman Engler recommended that we contact RCN and Service Electric to see if we could get something like this put on their networks to notify the public should this ever occur again.

Mike also felt that when we do another News Letter, we could ask the residents for their email addresses and email them regarding cancellations.

February 11, 2010

Page 9

WANDA GRUBER:

Wanda Gruber also thanked Joe.

She reported that she and her husband had saved the Township \$250. There were two trees by the Recreation Trail near her house that needed to be taken down and Joe had a price of \$250 to have this done. Her husband took the trees down and cleaned everything up for the Township.

Wanda informed the Board that her husband was willing to clean up the trees on the Trail if the Township would like to have this done.

BOARD OF SUPERVISORS REPORTS:

RANDY HEARD:

Randy Heard reported that in Bushkill Township, when they approve a plan, they tell the developer that he has so many days to get the plan recorded. They don't notify them like we do to let them know that the time period is running out. Here, they agree to pay the additional Recreation Fees, but if they never get the plan recorded, we don't get the fees.

Solicitor Backenstoe informed the Board that the Municipalities Planning Code gives them 5 years. When he came on the Board, we gave them one year. You do have a right to stand on that and deny the plan, but the developer could take you to Court. You can't deny the plans when the only thing outstanding is 3rd party approval and they are working on that.

If you feel there is a good reason to give them an extension, you can but you do have the right to deny it.

Solicitor Backenstoe reported that, by law, you couldn't get the Recreation Fees before the plan is recorded.

Randy noted that when the Board previously asked Mr. Perin to pay the Recreation Fees for this subdivision, he told us he wasn't paying the fees. So, the Board agreed to have the fees paid at Land Development stage, so Mr. Perin is not paying these fees, whoever is developing the property would wind up paying. Mr. Perin hasn't given the Township anything for all of the extensions that he has been granted.

Engineer Harwick informed the Board that Mr. Perin could develop that property without that road being put in. He could use the existing road off of Route #512 that went to the old RicWill Building and he could extend the road across from the new GCS entrance and put in a cul-de-sac and get several lots there.

February 11, 2010
Page 10

Engineer Harwick noted that this plan could be designed with a cul-de-sac and Mr. Perin would save hundreds of thousands of dollars in improvements funding. Wind Gap wanted the By-Pass Road but as planned currently, this road will only go to North Broadway. It is not an extension to Route #33.

Paul Levits indicated that a portion of this subdivision is also in Wind Gap and that has 3 or 4 lots on the plan. He asked how the Township knows that the developer is working with the outside agencies.

Solicitor Backenstoe stated that someone would need to make a record of when the developer went to the agencies and where they are in the process. You need to have access to the third party information before you can deny the plan.

Engineer Harwick reported that once a NPEDS Permit runs out now, it is hard to get this renewed.

Randy Heard also indicated that the Board must sit down and decided what to do with the money situation. In about 2 months, the Retro Fund will dry up and Ginny has no idea where she is going to get the money to pay bills and payroll.

Ginny reported that the funds from GCS are going down instead of going back up and we are really getting in a bind.

MICHAEL ENGLER:

APPOINTMENT OF PLAINFIELD TOWNSHIP DELEGATE TO SLATEBELT COG:

Motion was made by Joe Lerch and seconded by Randy Heard to appoint Michael Confalone to the position of Plainfield Township Delegate to the Slate Belt COG. Motion approved. Vote 5-0.

ENGINEER'S REPORT – KEVIN HARWICK:

PLAINFIELD TOWNSHIP COMMUNITY PARK – REVISED LAYOUT:

As a guide, the Keystone Consulting Engineers, Inc. letter dated February 8, 2010 was used.

Engineer Harwick reported that over the last year, Mike Kresch of the Plainfield Township Recreation Board has been discussing with him the possibility of shifting the layout of some of the future fields proposed in the current layout of the Plainfield

February 11, 2010
Page 11

Township Community Park. Last week, after authorization from Chairman Engler, Kevin had attended the Recreation Board meeting on February 7, 2010 to finalize a number of possible design revisions with the entire Recreation Board.

Plan number 1 shows the Original Design Layout for the Community Park. This plan reflects the original layout with three soccer fields that line up, four 350' ball fields and two 210' ball fields.

Plan number 2 shows the Revised Design Layout, which reflects the layout, which is the result of the meeting with the Recreation Board where one 350' ball field is eliminated and replaced with one 200' ball field. A second ball field, soccer practice area and a full size soccer field are all shifted south.

The advantages of the revised plan are as follows:

- a. Eliminates foul ball conflict with the 350' ball field and park entrance driveway, which has been a problem with the existing field and Kesslersville Road due to the windy location.
- b. Adds about 50 parking spaces along the park driveway and the potential for about 55 spaces along Gap View Road, if further reviews find this to be acceptable.
- c. Saves most of the existing woodland, north of the westerly-proposed soccer field.
- d. Allows more area for playground around future restrooms, along with a small multi-purpose play area labeled as a "Tee Ball Field".
- e. Allows a proposed restroom building to accommodate a larger footprint if needed to serve multiple uses in the future.
- f. Allows a northerly future restroom to be moved to a more central site and a better location for a septic system.

Disadvantages:

- a. Ultimate park build out will only produce three 350' fields versus the four originally planned. This may affect tournament play, however, the Recreation Board did not feel that this was an issue.
- b. Soccer fields no longer line up. This may affect the ability to shift the fields east and west, however, the Recreation Board did not feel that this was an issue.

If the revised plan is acceptable to the Board of Supervisors, Keystone would need to send the revised layout to DCNR to get their blessing on the Phase 1B area and for the orientation of the fields with respect to sun glare and ADA accessibility for the future

fields. This is to ensure that the park layout is eligible for future DCNR grants. Upon a favorable review, they can then begin Final Grading and Stormwater Design for Phase 1B.

The current grant contract is due to expire on 12/31/2010. Our DCNR liaison indicates that a one-year extension is available if we request it. Current project funding is for \$400,000 with DCNR putting up \$200,000 and the Township matching that amount with \$200,000. The Township currently has about \$150,000 of that amount earmarked for this project. Any overage in the cost for this project would also be the Township's responsibility.

Engineer Harwick noted that the Township needs an additional \$50,000 just for the match grant and he asked where the Township would be going to get this money from if we do the project this year.

Randy Heard indicated that he would love to see this project move forward, but he asked where the funds would come from.

Ginny Koehler informed the Board that she is also worried, especially with the garbage going up again in July.

Kevin Harwick reported that the NPDES Permit is expiring for this project. He had asked for an extension and they make you jump through hoops now. The compliance letter has a lot of items that need to be done and he felt it was better if we let this expire and go in with a new application for that phase.

Motion was made by Randy Heard and seconded by William Schmauder to approve sending the revised layout to DCNR for approval and apply for an extension of the grant until 2011 and let the NPDES Permit expire. Motion approved. Vote 5-0.

Engineer Harwick reported that once he obtains approval of the layout, he would like to move forward with perc tests for the area this spring.

Motion was made by Randy Heard and seconded by Michael Engler to approve perc tests do be done in the spring, once we receive approval for the revised layout from DCNR. Motion approved. Vote 5-0.

8TH STREET BRIDGE PAINTING GRANT:

Secretary Lambert reported that the Township had received notification that the 8th Street Bridge Painting Project Grant was approved. The Bid has been awarded and the proposed completion date for the project is July 29, 2010.

February 11, 2010
Page 13

SOLICITOR’S REPORT – DAVID BACKENSTOE, ESQUIRE:

APPROVAL TO ADVERTISE THE OPEN SPACE PLAN ORDINANCE FOR ADOPTION AT THE MARCH BOARD OF SUPERVISORS MEETING:

Motion was made by Randy Heard and seconded by William Schmauder to authorize Solicitor Backenstoe to advertise the ordinance for the adoption of the “Open Space Plan” at the March Board of Supervisors Meeting. Motion approved. Vote 5-0.

Having no further business to come before the Board, motion was made by Michael Engler and seconded by Joe Lerch to adjourn the meeting. Motion approved. Vote 5-0.

Meeting adjourned at 9:15pm.

Respectfully submitted,

Joyce A. Lambert, Executive Secretary
Plainfield Township
Board of Supervisors